THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.19506 and 19518 of 2006

Dated: 20-09-2006

Between:

M/s. Lingamaneni Estates (Pvt) Limited, Vijayawada.

..... PETITIONER

AND

The Mandal Revenue Officer, Guntur, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION Nos.19506 and 19518 of 2006

COMMON ORDER:

These two writ petitions are filed by M/s Lingamaneni Estates (Private) Limited, Vijayawada, (hereafter called, the petitioner-company) aggrieved by the alleged action of respondent No.1 in trying to dispossess them from the land admeasuring Ac.0.30 cents in D.No.225 in survey No.218/1 and another extent of Ac.1.07 cents in D.No.218/1 in survey No.225 of Namburu Village, Peddakakani Mandal, Guntur District.

The petitioner-company purchased the subject land under registered sale deeds dated 23-05-2003. Respondent No.1 initiated action under the provisions of the Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity) and issued notice in Form I under Rule 3 of the Assigned Lands (Prohibition of Transfers) Rules, 1977 (the Rules, for brevity) calling upon the petitioner-company to show cause as to why the land in their possession should not be resumed for contravention of the provisions of Sub-Section (2) of Section 3 of the Act. The
petitioner-company was issued two separate notices and appropriate explanation was submitted in September, 2006 to respondent No.1. For the purpose of these writ petitions, it is alleged that though no orders were passed under Section 4 of the Act, staff of respondent No.1 came to the land on 18-09-2006 at 3.40 P.M. and threatened to resume the land. Aggrieved by the alleged coercive action, the present writ petitions are filed.

After hearing the learned counsel for the petitioner-company and the learned Assistant Government Pleader for Revenue (Assignment), this Court is of the considered opinion that the writ petitions are filed on mere apprehension. When respondent No.1 initiated action in accordance with the provisions of the Act and the Rules, there is no iota of doubt that due process of law would be followed by respondent No.1. The petitioner is given remedy of appeal under Section 4-A of the Act. Therefore, respondent No.1 is directed to dispose of the matter within a period of one week from the date of receipt of a copy of this order. The relief as prayed for cannot be granted in these writ petitions.

The writ petitions, with the above observations and direction, are accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

20th September, 2006
Note: Dispatch copy by 21-09-2006
B/o
ghn